App. F. IX-4

1940

File No. 240-40

( )

Serial Nos.

Previous References.

C.B. 76-38 (5, 16, 20, 44)
" 77-38 (1, 4, 5, 6)
" 42-39 (5, 7, 8)
" 19-40 (2, 3, 27)
42-39 (1-4)

Later References.

SFA 515-39 (1, 2)
GS Dep no 28/45-40
GR D. 180-47-182

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part D for June '41

SUBJECT.

Legislative Council Question relating to the Retirement of Mr. A.S. Govindarajulu Mudaliar from Service

C. G. Vajravelu
25/7/41

Serial No.

Legislative Council Question relating to the retirement of Mr A.S. Govindarajulu Mudaliar from service

It is ascertained questions on this subject were brought up for discussion during the last session of the L.C. and were disallowed.

2) If approved, the L.C. Section may be requested to state whether the question has been disallowed at this time also.

A/

CPM 14/6

3) Question of fact may be answered – but (c) (d) (e) (f) (g). (h) may be disallowed as they offend against the rules of public service

4) 'A' may be done (Secretary) 3 13/6/41

R.A. to L.C.) Hm 2 13/6/41.

3 14/6/41

5) Submd.

The entire question has been admitted.

6) For orders with reference to paras 2 & 4 above.

DRS 17.6.41

BNR 17-6-41

The question has been admitted by the President

NRV 18/6

Asst Secy 3 19/6/41

Secy

NOTE—Contn. Sheet.

Read

W 6

up

File No. of 194 Secretariat

Serial No.

The following reference files relating to the following subjects are placed below for reference :-

(1) Retirement of Mr Govindarajulu Mudaliar from Service — C.C. No 76177

(2) Representation of Mr Govindarajulu Mudaliar for an enquiry into the Charges made against him in the order of retirement. — Sts 42-39-2247

(3) Further representations on the above subject — Sts 19-40-23127

(4) Representation for Counting the service put in by him in the University — Sts 42-39-1-4

(5) Grant of pension to him. — STA 515-39-112

Reference is respectfully invited to the Minutes of the Judges of the High Court in regard to the work done by Mr Govindarajulu Mudaliar in the Judicial Dept as also to the Final Note Dt 26.5.39 — Flag O — Flag P.

Pertaining the resolution of the Council in the matter of removal of the Officer from Service.

Serial No.

on a perusal of the G.O. Dt 6.6.1939 it can be seen that the following were the reasons for directing the retirement of the Officer from Service.

(1) Incompetency
(2) Ill health
(3) Unsatisfactory Work Turn-out.

The Submission of Manipulated Statistics was however made an additional ground for retirement of the Offr.

He submitted representations subsequently for an enquiry by a Commission in respect of the Charges referred to in G.O Dt 6.6.39 directing his retirement from Service.

Reference is invited to discussions in pages 5-12 of the Notes in Cts Coll^n 42-39-5-8 placed below. It was held that Sections 19 & 20 of the Civil Courts Act relied upon by Mr Govindarajulu were not applicable in his case and that no enquiry was necessary.

Rey W

NOTE—Contn. Sheet.

With regard to the grant of pension

File No.

Serial No.

it is submitted that he has been granted a Compassionate pension of Rs 112-6-0 p.m. from 5.11.1939.

It may be stated in this Connection that the services put in by him in the University as Asst professor of philosophy were not Counted for pension. It was further considered even the grant of pension of Rs 112-6-0 was itself a Concession in view of the fact that no deduction was effected as contemplated under Sec 223. M.S.R.

Draft answers have been proposed based on the available references.

Law Secretary) 24/6/41

Minister Law.) Hm 24/6/41.

Dewan) 24/6/41

It is better to consult the High Court about the proposed answers

25/6/41

Hm 25/6/41

Let note draft for a letter 25/6/41 25/6

DEWAN'S OFFICE
25 JUN. 1941
No 8789

Starred Question

OFFICE OF THE MINISTER FOR LAW
JUN 24. 1941
No 13/23

It was ordered to be laid on the table immediately

Serial No.

107

Urgent

HIGH COURT 25. JUN. 1941 5-30 P.M. OF MYSORE

DEWAN'S OFFICE 27. JUN. 1941 NC 8843

OFFICE OF THE MINISTER FOR LAW JUN 30 1941 No

Ref. B.M.P 156840 dated 25/6/41.

Forwarded with Compliments to the Registrar High Court for favour of furnishing the opinion of the Judges of the High Court in regard to the draft answers prepared for the questions brought up for discussion in the L.C. The file may please be returned at an early date as the proposed answers are to be used during the present legislative Council Session.

By order

for Secretary to Govt
Law Dept

D2 Dis 1256 to 41

Urgent

High Court of Mysore,
Bangalore, 26 June 1941.

Returned with Compliments to the Secretary to Government, Law Department. The Judges of the High Court are of opinion that the proposed answers appear to be correct.

for Registrar.

Dewan)

26/6/41

27/6/41

27/6/41

27/6/41

27/6/41

(Not discussed)

To the L. C. Office for taking three copies of the replies put up & return of the file

NOTE—Contn. Sheet

28/6.

Copies taken 28/6

7. JUL 1941

THE LEGISLATIVE COUNCIL,

Budget Session, 1941.

Mr. Belur SRINIVASENGAR (Bangalore-Rural).-

⊗ Q. No. 107. Will the Government be pleased to state:

(a) when Mr.A.S.Govindarajulu Mudaliar, M.A.,B.L., Second Magistrate, Tumkur, was retired;

(b) what service had he put in at the time of retirement and what was his age;

(c) the reason for his retirement;

(d) whether there was any application by him requesting for an enquiry, in his presence, for the data upon which those reasons were based;

(e) whether Section 20 of the Mysore Civil Courts Act did not apply in his case;

(f) if the answer to the above is in the affirmative, whether any enquiry was held;

(g) whether there was any recommendation by the High Court in respect of the above;

(h) if the answers to the above are in the negative, whether they will be pleased to state whether Government would afford Mr. A.S. Govindarajulu Mudaliar an opportunity to prove that the allegations against him are baseless; and

(i) whether Mr A.S.Govindarajulu Mudaliar has been granted pension; if so, under what Section of the Civil Service Regulations?

CSS

Cut Motions

(100)

12 General Administration

No 100 - Re. the retirement of Mr A.S. Govindarajulu Mudaliar

Confidential Collections Nos 7647) are flo'd below for reference.

Retirem.. is invited to the Minutes of the Trustees and to the Final Note of 26.5.1939.

Key O

Key P

G.O. dt 6.6.39 directs the retirement of Govindarajulu Mudaliar is flagged "Z"

(Opn 20/6)

MCR 27.6.41

Law Secy

Hm 2 27/6/41.

THE LEGISLATIVE COUNCIL.

Budget Session, June 1941.

Mr.Belur Srinivasa Iyengar (Bangalore-Rural).

Question No 107	Reply.
Will the Government be pleased to state:-	
(a) when Mr.A.S.Govindarajulu Mudaliar, M.A., B.L., Second Magistrate, Tumkur, was retired;	With effect from 5th November 1939.
(b) what service had he put in at the time of retirement and what was his age;	He had put in a qualifying service of 15 years, 2 months and 25 days. At the time of retirement (5th November 1939) he was 45 years and 7 months of age.
(c) the reasons for his retirement;	Incompetancy, Ill health and unsatisfactory work throughout.
(d) whether there was any application by him requesting for an enquiry, in his presence, for the data upon which those reasons were based;	Yes.
(e) whether Section 20 of the Mysore Civil Courts Act did not apply in his case;	No.
(f) if the answer to the above is in the affirmative, whether any enquiry was held;	Does not arise in view of the answer to item (e).
(g) whether there was any recommendation by the High Court in respect of the above.	No.
(h) if the answers to the above are in the negative, whether they will be pleased to state whether Government would afford Mr.A.S.Govindarajulu Mudaliar an opportunity to prove that the allegations against him are baseless; and	No.
(i) whether Mr.A.S.Govindarajulu Mudaliar has been granted pension; if so, under what Section of the Civil Service Regulation?	Yes, he has been granted a compassionate pension of Rs.112-6-0 under Arts. 223, 329(b) of the Mysore Service Regulations.

For Secretary to Government,
Law Department.

TN-4)

THE LEGISLATIVE COUNCIL,

Budget Session, 1941.

Mr. Belur SRINIVASIENGAR (Bangalore-Rural).-

Q. No. 107. Will the Government be pleased to state:

(a) when Mr. A.S. Govindarajulu Mudaliar, M.A.,B.L., Second Magistrate, Tumkur, was retired;

(b) what service had he put in at the time of retirement and what was his age;

(c) the reasons for his retirement;

(d) whether there was any application by him requesting for an enquiry, in his presence, for the data upon which those reasons were based;

(e) whether Section 20 of the Mysore Civil Courts Act did not apply in his case;

(f) if the answer to the above is in the affirmative, whether any enquiry was held;

(g) whether there was any recommendation by the High Court in respect of the above;

(h) if the answers to the above are in the negative, whether they will be pleased to state whether Government would afford Mr. A.S. Govindarajulu Mudaliar an opportunity to prove that the allegations against him are baseless: and

(i) whether Mr A.S. Govindarajulu Mudaliar has been granted pension; if so, under what Section of the Civil Service Regulation?

Answers

a) With effect from 5-11-1939

(b) He had put in a qualifying service of 15 years, 2 months & 25 days. At the time of retirement (5-11-1939) he was 45 years and 7 months of age.

c) Incompetency, ill health and unsatisfactory work throughout

d) yes

e) No

f) Does not arise in view of the answer to item (e)

(g) No

(h) No

(i) yes, he has been granted a compassionate pension of Rs. 112-6-0 under articles 223, 320(6) of the Mysore Service Regulations